

**PERSONNEL
COMMITTEE**

Monday, August 3, 2020

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The Public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/89032051390>

Or by Telephone: (312) 626-6799

Webinar ID: 890 3205 1390

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding minutes from the meeting held on June 1, 2020.
4. BUSINESS.
 - a. Discussion and action to make a recommendation to the Village Board regarding a Memorandum of Understanding with the Wisconsin Professional Police Association (WPPA) - McFarland Unit regarding 2020 Vacation Carryover.
 - b. Discussion and action to make a recommendation to the Village Board regarding Light Duty Policy as Chapter 36 of the Personnel Policy Manual.
5. SCHEDULE NEXT MEETING DATE.
 - a. Monday, September 7, 2020 at 6:30 pm (Labor Day)
6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon

reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND
Personnel Committee Minutes

Monday, June 1, 2020 - 6:30 PM

CALL TO ORDER, ROLL CALL.

President Brad Czebotar called the regular meeting of the Personnel Committee to order at 6:30 PM in the Community Room.

Members present: Brad Czebotar, Trish Howen, Steve Kilpatrick, Ken Machtan, Peter Morehouse, Clair Utter, Jack Bernfeld

Members not present: None.

Staff Present: Village Administrator Matt Schuenke, Clerk/Treasurer Cassandra Suettinger, and Police Chief Craig Sherven.

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Village Board. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the board may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the board for their consideration. Members of the public who are present in person and wish to address the board should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to cassandra.suettinger@mcfarland.wi.us to be included as part of the meeting.*
None.

3. APPROVAL OF MINUTES.

- a. *Discussion and action regarding the minutes of the meeting held on March 2, 2020.*
The minutes of the March 2, 2020 Personnel Committee meeting were passed by unanimous consent with Trustee Clair Utter and Committee members Jack Bernfield and Trish Howen abstaining.

4. BUSINESS.

- a. *Discussion and action to make a recommendation to the Village Board regarding approval of Addendum C (Workplace Response Policy) within the Personnel Policy Manual.*
Village Administrator Matt Schuenke provided an overview of Addendum C (workplace response policy) and the Village's response to COVID19. The Forward Dane Plan and

orders from Dane County Public Health require the Village to create certain workplace policies in response to COVID19. Addendum C addresses all of the requirements from the County Health Orders. Once approved the plan will be provided to all employees to review and sign off verifying their review and understanding of the policy.

The Personnel Committee reviewed the policy and provided feedback and revision suggestions.

Motion by Ken Machtan, second by Member Peter Morehouse, to approve Addendum C (Workplace Response Policy) within the Personnel Policy Manual. Motion carries 7 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

a. Monday, July 6, 2020 at 6:30 pm.

President Brad Czebotar reported the next regularly scheduled meeting of the Personnel Committee is scheduled to be Monday July 6, 2020. He noted due to the July 4th holiday following the weekend before, the Village would not likely hold the meeting unless time sensitive issues came forward. Village staff will send out an official notification as the meeting gets closer.

6. ADJOURNMENT.

Motion by Member Steve Kilpatrick, second by Member Trish Howen, to adjourn at 7:18 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Cassandra Suettinger
Village Clerk/Treasurer

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and among the McFarland Professional Police Association ("MPPA") and the Village of McFarland ("Village"). The parties may be referred to herein collectively as the "Parties."

WHEREAS, the Parties are currently bound by the terms and conditions of an existing Collective Bargaining Agreement ("Agreement") that is effective through December 31, 2020;

WHEREAS, the Agreement is applicable to the sworn Police Officers and Detectives representing the terms of their employment with the Village;

WHEREAS, Article III of the Agreement addresses terms regarding Vacations for MPPA members and presently does not permit for unused vacation at year-end to be carried over to the next year;

WHEREAS, as a result of the novel coronavirus pandemic, the use of vacation time has been severely limited in 2020 with many employees within the Village not being able to use vacation time as its been presently allocated according to the Agreement; and

WHEREAS, the Parties wish to enter into this MOU in order to provide members of the MPPA the ability to carry over their vacation in accordance to similar policies provided to non-represented employees and other units of the Village.

NOW, THEREFORE, in consideration of the mutual promises of the Parties herein set forth, it is understood and agreed as follows:

1. Section 3.06 of the Agreement is hereby created to read as follows:

"Section 3.06 Carryover of Vacation Time

- A. An employee is permitted to maintain and carry over to the following calendar year subject to the following:
 1. A maximum of 40 hours of unused vacation may be carried over if earned after January 1, 2020.
 2. Any request for any carry over amount is subject to approval by the Village Administrator upon recommendation of their Department Head. The employee must demonstrate that a concerted effort was made to use the vacation proposed to be carried over. The Village Administrator shall have the discretion to consider requests from employees upon recommendation from their Department Heads to exceed the maximum hours for the carryover of unused vacation.

3. Because vacation is meant for the employee to have rest and relaxation and to address personal affairs, earned but unused vacation will not be paid out except at separation from employment.”
2. No amendment or modification of this MOU shall be effective unless it is in writing and signed by the authorized agents of the parties.
3. The MOU shall be governed by and construed in accordance with the laws of the State of Wisconsin.
4. The terms of this MOU shall be effective through December 31, 2020.

In witness whereof, the parties hereto have set their hands as of the ____ day of August, 2020.

VILLAGE OF MCFARLAND

By: _____
Brad Czebotar
Village President

By: _____
Cassandra Suettinger
Village Clerk/Treasurer

MCFARLAND PROFESSIONAL POLICE ASSOCIATION

By: _____
Anthony Craft
MPPA President

By: _____
Luann Alme
WPPA Business Agent

- (2) On January 1 of each year, the employee may be credited in advance with vacation time in accordance with the schedule in Section 9.02 based on the years of service to be completed on the employee's anniversary date during that coming calendar year.
- (3) Current non-represented employees that were at one time represented by a bargaining unit are exceptions to this section and will continue to be credited vacation after the year of accrual.

9.05 Pay-Out or Hold Back of Vacation at Termination

- (1) Although vacation hours are credited in advance under this policy, if an employee's employment ends during the year, the employee will be eligible to receive only the prorated amount of vacation time earned for the part of the year actually worked.
- (2) If a terminating employee has used less than the prorated amount of vacation actually earned for that year at the time of termination, the employee will be paid at the current rate of pay for any unused vacation time that was earned and not used.
- (3) If a terminating employee has used more than the prorated amount of vacation actually earned for that year at the time of termination, the employee will have an appropriate amount withheld from the final paycheck to reimburse the Village for any unearned vacation time that was used. The amount to be withheld will be calculated at the current rate of pay times the number of unearned vacation hours that had been used.

9.06 Exceptions

- (1) No additional vacation hours will be earned for time worked by an employee in excess of the normal work schedule.
- (2) No vacation hours will be earned by an employee during the time that the employee is on a leave of absence without pay, a disciplinary suspension without pay, or is otherwise in a non-compensable status.

9.07 Maximum Annual Carryover of Vacation Time

- (1) An employee is permitted to maintain and carry over to the following calendar year subject to the following:
 - A. A maximum of 80 hours of unused vacation may be carried over if earned prior to December 31, 2017. If the total vacation balance of an employee exceeds 80 hours prior to that time, 100% of the equivalent monetary value of all remaining hours in excess of the allowable maximum will be paid into the employee's VEBA account.
 - B. A maximum of 40 hours of unused vacation may be carried over if earned after January 1, 2018. If the total vacation balance of an employee exceeds

40 after that time, 50% of the equivalent monetary value of all remaining hours in excess of the allowable maximum will be paid into the employee's VEBA account.

- C. Any request for any carry over amount is subject to approval by the Village Administrator upon recommendation of their Department Head. The employee must demonstrate that a concerted effort was made to use the vacation proposed to be carried over. The Village Administrator shall have the discretion to consider requests from employees upon recommendation from their Department Heads to exceed the maximum hours for the carryover of unused vacation.
- D. Because vacation is meant for the employee to have rest and relaxation and to address personal affairs, earned but unused vacation will not be paid out except at separation from employment.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, August 3, 2020

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Matt Schuenke,
Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Light Duty Policy as Chapter 36 of the Personnel Policy Manual.

PREVIOUS ACTION:

ISSUE SUMMARY:

Currently the Village does not have a policy regarding light duty assignments. Generally light duty is requested when an employee as a result of injury or illness is unable to perform some their job duties. Historically the Village has allowed light duty work for both on-duty and off-duty related injuries where possible based on the restrictions allowed by the employees physician and the availability of meaningful light duty work within the department. Staff would like to add a policy to the personnel policy manual to outline the procedure for light duty assignments and how the Village will handle them to provide continuity and clarity and a process for Departments to follow.

Unfortunately legal staff was still finalizing the policy at the time the packet was created. Staff will provide a final draft of the policy once available.

FINANCIAL/BUDGET IMPACT:

N/A

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

N/A

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Submitted for review and recommendation.

ATTACHMENTS:



1. PPM Chapter 36 - Light Duty - DRAFT 08.03.2020

CHAPTER 36 – Light Duty Policy

36.01 Policy/Purpose

It is in the best interest of the Village and its employees to have injured or ill employees return to work as soon as they are physically capable to temporarily perform meaningful beneficial assignments as they are available. This policy is not a long-term employment commitment and is designed to provide opportunities for limited or episodic work, as available, and for limited durations of time not to exceed 30 days in duration from beginning to end.

36.02 Applicability

This policy shall be applicable for both on-the-job injury/illness and off-the-job injury/illness for an employee who is deemed to be capable of working at some level and capacity other than his/her normal capacity. The employee may be assigned such work as may be beneficial to the Village. An employee who, because of a temporary medical restriction, is unable to perform his/her regular job duties may be assigned to temporary light duty status. Light duty may consist of a change in job assignment, modification of job duties, and/or a combination of these changes.

36.03 Procedures

- (a) The employee shall submit the request for light duty to the employee's Department Head in writing as soon as the need for light duty is known and at least 24 hours before the expected start of light duty. The Department Head shall forward the request to the Village Administrator.
- (b) A licensed physician shall be provided a copy of the Village's job description for the employee and provide a clear outlining of all job restrictions, the duration of restrictions, and job duties that cannot be performed by the employee as a result of the temporary medical condition. Failure to provide the required information to a satisfactory level may result in a delay of starting light duty assignment or denial of assignment. The Village shall not be liable for lost wages during this delay.
- (c) Any information received that relates to medical history or disabilities must be treated as confidential medical records and should be provided directly to the Village Administrator or the Administrator's designee. The Department Head or Supervisor may be informed about the necessary restrictions or accommodations. Medical information may be shared as permitted by applicable law.
- (d) After reviewing the information received from the physician, the Department Head shall make a decision in consultation with the Village Administrator as to whether to classify the employee in light duty status. The determination of whether to put an employee on light duty status shall be made based on whether there are meaningful assignments available that fit within the restrictions provided. Work assignments must adhere to the physical restrictions provided to avoid reinjuring or aggravating the condition.
- (e) Once an employee is authorized and assigned light duty status, they shall continue in their status as an employee of the Village with the same wages and fringe benefits as previously.

assigned based on the hours worked by the employee and paid time off used, if applicable. For employees working light duty due to off-duty injuries, the Village reserves the right to modify an employee's pay during any light duty assignment to be commensurate with the work performed. The Village may alter the employees work hours based on the time light duty is performed. Failure to report for or to carry out the assignments of light duty status shall be considered misconduct resulting in discipline up to and including discharge

- (f) It is the employee's responsibility to provide timely medical information regarding their continued need for light duty or any changes to their condition and/or restrictions as applicable. Failure to provide documentation may result in the termination of light duty status.
- (g) Employees are expected to follow all restrictions as outlined by their physician and make the supervisor aware of any job duties that conflict with those restrictions.
- (h) Employees working light duty due to work related injuries shall receive preference for light duty due to non-work related injuries. The Village reserves the right to offer or deny light duty assignments based on various factors including quality of performance, skills, ability, compensation of the individual performing the light duty, and other legitimate nondiscriminatory reasons.

36.04 Other Provisions and Limitations

- (a) Nothing in this policy shall constitutes continued employment for any duration, a guarantee of work or pay in lieu of work during the period of temporary disability, or any other rights.
- (b) Light duty assignments shall be based upon existing work, which meets the employee's job restrictions and does not interfere with the Village's normal operations. Additionally, the Village does not guarantee light duty work will provide continuity of schedule or number of hours worked per week. An employee must use accrued sick leave, vacation or compensatory time to supplement a part-time schedule.
- (c) The purpose of this policy is to help an employee return to the role of a productive work during a period of temporary disability. In no case, will a light duty assignment become a permanent position. Light duty assignments will generally not extend beyond thirty days. The employee must make a new request for light duty upon expiration of the authorized assignment.
- (d) Light duty assignments may span across different Village Departments. Employees should not expect light duty assignment within the Department worked by the employee.
- (e) Employees working light duty must meet all performance expectations of the light duty assignment.
- (f) Light duty assignments may be modified or withdrawn by the Village at any time.

- (g) Light duty may not be offered to an employee where the employee's temporary restrictions so impact the employee that nondisciplinary medical separation is considered. Light duty may not be offered to an employee where the employee's permanent restrictions so impact the employee that nondisciplinary medical separation is considered. A medical leave of absence may also be requested as outlined in the personnel manual. Appropriate time limits under these documents will be applied.